

ESG Retained Duties Element

A Categories / Description - as set out in DfE Guidance	B Reference to legislation (in addition to Annex A DfE guidance on ESG 2014) + DfE guidance 1/12/16	C Relevant Expenditure	D Commitment 2017/18 £'000
A. Statutory and Regulatory			
Appointing a Director of Children Services.	Section 18, Children Act 20040	Proportion of Director of Children's Services cost.	34
Strategically plan for its Education Service.	Sections 13 to 15B, Education Act 1996.	Assistant Director (& support) - The post supports the strategic delivery of the education service and is crucial to the ongoing improvement and progress of the service, and our ability to provide our statutory duties.	138
		Place Planning - the Education Act 1996 Section 14 and Section 29 requires the Council to fulfil its statutory duty to secure sufficient primary and secondary schools paying particular regards to the need to secure special Educational Needs places. The team (approx. 2 fte's) is responsible for ensuring sufficient mainstream and special school places are available at the right time and in the right place to ensure safeguarding – making sure every child has a local school place. The team submits an Annual School Capacity return (SCAP) which involves forecasting and publishing requirements for additional places to the DfE to meet basic need. Partnership working with school staff, governing bodies and parents is crucial to securing diversity of provision and increasing opportunities for parental choice. The team also assess the net capacity of all maintained mainstream schools and keep updated records. Acting in accordance with the relevant legislations (Education and Inspections Act 2006) the team ensures council fulfils its responsibility to make prescribed changes as per School Organisation 'Prescribed Alterations' to Maintained Schools (England) Regulations 2013 - changing age range, adding or removing SEN provision, changes to admission numbers and/or criteria, changes to school status etc..	80
Prepare revenue budgets, information on income and expenditure relating to education. For incorporation into the LA's annual statement of accounts, external audit of grant claims and returns relating to Education.	Local Government Act 1972.	Part of the Business, Education & Care finance team. This team supports the whole range of Education Finance activity, including a) ensuring compliance with the financial and regulatory requirements on DSG and supporting school forum and other working groups, b) DSG financial modelling, formula development, implementing funding reforms, determining and issuing school budgets, etc c) supporting academy conversions pre and post conversion eg finalising final accounts and balances, d) day to day monitoring of all Education activity (including the Capital programme) however funded, preparation of budgets/ financial planning, final accounts etc., grant claims.	55
Perform Internal Audit and other Corporate Finance responsibilities necessary for the discharge of the authority's chief finance officer responsibilities.	Section 151, Local Government Act 1972.	A proportionate charge of the total audit recharge to the Finance & HR area plus part of finance costs relating to LA monitoring and role in providing information to national government.	10
Standing Advisory Council for Religious Education.	As per guidance 1/12/16.	Hosting, attendance and actions arising from T&Ws SACRE.	5
Providing Information to or at the request of the SOS.	Section 29 Education Act 1996.	Included in corporate finance responsibilities above.	0
B. Education welfare provision			
Making arrangements to identify children not receiving education.	Section 436A, Education Act 1996.	Identification and tracking of children who are not receiving an education Central databases are maintained to record, monitor and review any pupil who is subject to reduced timetables, pupils who are out of school, pupils who are not receiving education and children missing from education. Information is received from a variety of sources and centrally collated and monitored. Children Missing Education (CME) are pupils who are not on a school roll and the 'Attendance & Pupil Tracking Officers' (APTO) monitor and track these vulnerable and often transient pupils and their families. They investigate all cases of CME, liaising with other Local Authorities and with any other appropriate external partners in tracking children. The two APTO officers also scrutinise the national database 'school to school' (S2S) in an attempt to identify children missing from education nationally. It is an expectation of all LAs to undertake this task. Children Not Receiving Education (CNRE) may be absent from school for a considerable time (for a variety of reasons), and sometimes legal action is taken against their parents for the non attendance. Children Out of School (COOS) pupils are short term non-attenders and may fall into the more serious CNRE or CME category at a later stage. Information is collected and recorded on the LAs statutory central register of any vulnerable pupils.	196
Send a written notice to a parent whose child of compulsory school age is not receiving suitable education, followed by a school attendance order if they do not comply with the notice. If exercising its power to prosecute a parent for a child's non attendance the LA must consider whether to apply for an education supervision order.	Sections 437, 446 and 447 Education Act 1996.	Penalty Notices In line with DfE statutory guidance the AST conduct all investigations for non school attendance offences in accordance with the Police & Criminal Evidence (PACE) Act 1984. The referral process requires AST officers to liaise with school staff to prepare questions prior to inviting parents into the interview, where parents are interviewed 'under caution.' Following the interview the child's attendance is monitored and AST write to parents following a period of review to inform them of the next steps. This will be either continued monitoring for any improved attendance or legal intervention for non-improved attendance. Following all investigations three AST officers have delegated authority to authorise legal proceedings under Section 444 of the Education Act 1996. The AST issue all Penalty Notices (PN) on behalf of Telford & Wrekin to parents whose children have unauthorised absences, unauthorised leave in term time or when a pupil is seen in a public place during an exclusion from school. derable time (for a variety of reasons), and sometimes legal action is taken against their parents for the non attendance. Children Out of School (COOS) pupils are short term non-attenders and may fall into the more serious CNRE or CME category at a later stage. Information is collected and recorded on the LAs statutory central register of any vulnerable pupils.	

Publishing a code for penalty notices to address poor attendance & administering penalty notice regime.	Education (Penalty Notices) England Regulations 2007.	Child Employment The Child Employment officer is based within the AST and manages all applications from employers of school age children for work permits, performance and modelling licences for both Telford & Wrekin and Shropshire Council. In addition, the CE officer trains chaperone applicants who support school age children and issues the licence to successful candidates. The CE officer responsibilities are also statutory.	
Improve attendance where schools report absence to them.	Education (Pupil Registration) Regulations 2006.		
Investigate whereabouts of pupils who have poor attendance and at risk of being deleted from schools admission register.	Education (Pupil Registration) Regulations 2006.	AST Support to Schools to improve attendance AST support schools in encouraging improved school attendance. Annual initiatives encourage competitiveness between schools to have the ' <i>The most improved attendance</i> ' or have ' <i>The most reduced persistent absence</i> ' and there are shields to be won. Additionally, AST distribute rewards, vouchers etc for schools to use to encourage pupils to attend regularly. AST also work in partnership with local policing teams and undertake 'Truancy Patrols' in Telford during an annual 'Attendance Week'. AST assist in the development of appropriate policies, procedures and action plans on behalf of the LA and support school staff in preparing for inspections. They manage numerous FOI requests, the majority of which currently are queries about Penalty Notices. Three officers of AST have delegated authority to appear in the Magistrates Court as prosecutors and present all cases under Section 444 of the Education Act 1996. Only the very small proportion of cases which proceed to trial are forwarded to T & W legal team representatives to present. The two APTO officers offer additional Education Welfare Officer support to the families of pupils who attend Pupil Referral Units (PRUs) and those pupils with a Statement of Educational Need (SEN) or Education, Health, Care, Plan (EHCP) who attend specialist provision. The officers act as Education Welfare Officers for these settings and schools and regularly visit these schools and settings to undertake register reviews and ensure all processes and procedures are upheld. Children who are electively home educated are monitored by the Advisory Teacher for Elective Home Education. When the child's education is deemed to be unsuitable the Advisory Teacher for Elective Home Education makes a referral to AST to undertake the application for a school attendance order.	
Complying with all its statutory obligations.	Education (Pupil Registration) Regulations 2006.	Education Supervision Orders The Local Authority must consider applying for an Education Supervision Order (ESO) before prosecuting parents. A Local Authority may apply for an ESO instead of or as well as prosecuting parents. The Order is placed on the child and the Local Authority is appointed by the court to supervise that child's education, either at a school, or at home for a specified period of time.	
Administering and enforcing requirements and protections for children under 16 taking part in employment or performance.	Part 2, Children and Young Persons Act 1933, Part 2 Children and Young Persons Act 1963, Children's (Performances) Regulations 1968.	School Attendance Orders If it appears to the Local Authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996. The Order will require the child's parents to register their child at a named school. If they fail to comply with the Order, the parent can be prosecuted. PRAB (Parental Responsibility & Behaviour) The Local Authority has a statutory duty to collect data and report on the number of penalty notices, parenting orders, parenting contracts issued and fast-track processes followed. Non Statutory traded services The AST offer a traded service to schools of an experienced Education Welfare Officer who will support school staff in developing and managing strategies to improve overall school attendance and reduce persistent absence. Home Education - the LA monitors the progress and wellbeing of home educated pupils.	
C. Asset Management			
General Landlord duty for all buildings let to academies and for all community school buildings.	Section 14, Education Act 1996.	School Standards and Framework Act 1998 Section 22 requires the Council to fulfil its landlord responsibility for the education portfolio, regulate any third party arrangements on education sites and provide guidance and support to schools on statutory compliance. The LA is also expected to maintain local authority managed school estate so that the health and safety of children is not put at risk and provide effective maintenance of school buildings to prevent school closure. Under the Academies Act 2010 Where an Academy order under section 4(A1) or (1)(b) has effect in respect of a school, the governing body of the school and the local authority must take all reasonable steps to facilitate the conversion of the school into an Academy. Where the Secretary of State notifies the governing body or local authority that the Secretary of State is minded to enter into Academy arrangements with a specified person, their duty under subsection (1) includes a duty to take all reasonable steps to facilitate the making of Academy arrangements with that person.	included in cost below
Overall responsibility for Capital Strategy.	Section 14, Education Act 1996.	In relation to the Pupil Place Planning work, as well forecasting and publishing requirements to meet Basic Need, LA must fulfil its statutory duty for sufficient school places through the delivery of T&W's basic need programme. The annual school place planning cycle which includes procuring and delivering schools' capital programme within the available Basic Need grant funding. This includes carrying out statutory school organisation to change age range and admission number/arrangements as well as the delivery of the schools capital programme through temporary, permanent expansions of existing schools and new build projects. The cost takes into account capitalisation of eligible staff costs to relevant schemes which is why it is lower than would otherwise be the case.	80
Management of PFI Contracts.	DfE Document 'Savings to the ESG for 2015/16.	T&W has a PFI contract with Interserve relating to HLC, which incorporates three schools and other facilities. The annual revenue cost of the contract is circa £10m. The central aims of the contract management are to ensure Services are delivered in accordance with the contract and that the local authority's agreed contractual position is protected whilst maintaining the agreed allocation of risk and achieving Best Value for money. Monitoring of the service provider's performance against the output specification to ensure that the financial implication of any estate related failure to perform is been taken into consideration Payment for the service to the providers is conditional upon the quality of performance of the service provider and/or the availability of the building. Continuous improvement in the contract performance and service delivery also needs to be maintained.	30
Total			628